

REMARKS

Amendments to the Claims

Applicants presently amend independent claims 1, 7, 13, 19, 25, and 31 to include limitations previously found in dependent claims 5-6, 11-12, 17-18, 23-24, 39-30, and 35-36 respectively. As such, Applicants cancel claims 5-6, 11-12, 17-18, 23-24, 39-30, and 35-36. Applicants submit that the amendments introduce no new matter into the case, and submit that the claims as currently amended are in condition for allowance.

Claim Rejections – 35 U.S.C. § 103 Over Gordon And Lortz

Claims 1, 5-7, 11-13, 17-19, 23-25, 29-31, and 35-36 stand rejected under 35 U.S.C. § 103 as unpatentable over Gordon, *et al.* (U.S. Pub. No. 2004/0044635) (hereafter ‘Gordon’) in view of Lortz (U.S. Patent 6,505,243) (hereafter ‘Lortz’). Claims 5-6, 11-12, 17-18, 23-24, 29-30, and 35-36 are currently cancelled. Claims 1, 7, 13, 19, 25, and 31 remain. The question of whether Applicants’ remaining claims are obvious or not is examined in light of: (1) the scope and content of the prior art; (2) the differences between the claimed invention and the prior art; (3) the level of ordinary skill in the art; and (4) any relevant secondary considerations, including commercial success, long felt but unsolved needs, and failure of others. *KSR Int’l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1729-1730, 82 USPQ 1385 (2007). Although Applicants recognize that such an inquiry is an expansive and flexible one, the Office Action must nevertheless demonstrate a *prima facie* case of obviousness to reject Applicants’ claims for obviousness under 35 U.S.C. § 103(a). *In re Khan*, 441 F.3d 977, 985-86 (Fed. Cir. 2006). To establish a *prima facie* case of obviousness, the proposed combination of Gordon and Lortz must teach or suggest all of Applicants’ claim limitations. *Manual of Patent Examining Procedure* § 2142 (citing *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974)). As shown in more detail below, the combination of Gordon and Lortz cannot establish a *prima facie* case of obviousness because the proposed combination of Gordon and Lortz does not teach each and every element of the remaining claims of the present application.

The rejections should therefore be withdrawn. Applicants respectfully traverse each rejection individually and request reconsideration of the remaining claims.

**The Proposed Combination Of Gordon And
Lortz Does Not Teach Or Suggest Each And Every
Element Of Claim 1 Of The Present Application**

Independent claim 1 of the present application, as amended, recites:

1. A computer implemented method for displaying a help resource associated with a device on a remote display apparatus, the method comprising:

receiving, in a display apparatus, a plurality of help messages created in a plurality of devices, wherein a help message includes an importance rating that identifies an importance of the help message, and a device identification that identifies a device that created the help message;

prioritizing one of the plurality of help messages comprising selecting a help message in dependence upon a importance rating included in the help message wherein the value of the importance rating is dependent upon the status of the device;

notifying at least one of the plurality of devices that the display apparatus is busy, further comprising

creating, in the display apparatus a busy message; and

transmitting the busy message to at least one of the plurality of devices;

retrieving, in dependence upon the prioritized help message, a help resource; and

displaying, with the display apparatus, the help resource.

**The Proposed Combination Of Gordon And
Lortz Does Not Teach Or Suggest A Help Message
Including An Importance Rating That Identifies
The Importance Of The Help Message**

The Office Action takes the position that Gordon at paragraph 0032 discloses part of the second limitation of claim 1: a help message includes an importance rating that identifies an importance of the help message. Applicants respectfully note in response, however, that what Gordon at paragraph 0032 in fact discloses is:

Each component 12 of the application 10 is responsible for creating and maintaining its own context message 14. That is, the component 12 updates the context message 14 thereof with new keywords and/or attributes and removes old keywords and/or attributes to reflect actions taken by the user. A context message 14 from a component 12 may contain keywords only, attributes only, or some combination of the two. As will be explained in more detail below, the keywords in a context message 14 are employed to locate help topics, and the attributes in a context message are employed to filter and prioritize the located topics. Each context message 14 may be static or dynamic. In the latter case, the context message 14 is based on current conditions with regard to the corresponding component 12, and represents a current context of such component 12.

That is, Gordon at paragraph 0032 discloses a context message from a component containing keywords and attributes, the attributes used to prioritize the help topics located by the keywords. Gordon's context message containing keywords and attributes does not disclose a help message including an importance rating that identifies the importance of the help message as claimed. Gordon teaches that a context message can contain attributes used to prioritize *amongst the help topics* relevant to the context message. However, Gordon does not teach the prioritization of the *message itself*. In the present application, the importance rating of a help message is used to prioritize one of the *help messages*. Therefore, Gordon's context message attributes do disclose a help message's importance rating as claimed. As such, Gordon does not teach or suggest a help message including an importance rating that identifies the importance of the help message. The

Office Action therefore cannot establish a prima facie case of obviousness. The rejections under 35 U.S.C. § 103 should be withdrawn, and the claims should be allowed.

**The Proposed Combination Of Gordon And
Lortz Does Not Teach Or Suggest Notifying
At Least One Of A Plurality Of Devices
That A Display Apparatus Is Busy**

As amended, independent claim 1 includes notifying at least one of a plurality of devices that a display apparatus is busy. This limitation was previously found in dependent claim 5. The Office Action takes the position at page 4 that Lortz at column 1, lines 57-63 discloses this limitation. Applicants respectfully note in response, however, that what Lortz at column 1, lines 57-63 in fact discloses is:

A system and method for providing device-specific help information for a network-attachable device. A connection notification is received for the network-attachable device over a first data path. Device-specific help information is retrieved for the network-attachable device over a second data path. And, device-specific help information is provided to a configuration interface.

That is, Lortz at column 1, lines 57-63 discloses providing device-specific help information for a network-attachable device by receiving a connection notification for the device, retrieving device-specific help information, and providing the help information to a configuration interface. Lortz's disclosure at the cited reference point does not disclose notifying at least one of a plurality of devices that the display apparatus is busy.

In an effort to demonstrate that Lortz discloses the claim limitation, the Office Action equates Lortz's configuration device receiving a connection notification to the claimed display apparatus receiving a help message. Such an equation is improper, however, because the claim claims, among other things, that a single display apparatus may receive help messages from a plurality of devices. In contrast, Lortz does not even contemplate the possibility of multiple devices sending connection notifications to a single configuration device. Lortz only discloses that if there is more than one configuration device, an arbitration system is used to decide which configuration device should service

a notification request. Furthermore, because Lortz does not contemplate the possibility of a configuration device receiving multiple connection notifications, Lortz does not disclose a configuration device being “busy” as claimed. Therefore, Lortz’s configuration device receiving a connection notification cannot be equated with the claimed display apparatus receiving a help message. As such, Lortz does not disclose notifying at least one of a plurality of devices that a display apparatus is busy. The Office Action therefore cannot establish a prima facie case of obviousness. The rejections under 35 U.S.C. § 103 should be withdrawn, and the claims should be allowed.

**Official Notice Of Facts Is Not Available
As A Basis For Rejection Of Claim 6, Now
Incorporated Into Claim 1**

As amended, independent claim 1 includes creating, in a display apparatus, a busy message; and transmitting the busy message to at least one of a plurality of devices. These limitations were previously found in dependent claim 6. The Office Action takes the position at page 4 that Lortz discloses these limitations because “creating and notification of connection specific information by a device, is a well known network protocol.” Applicants understand this statement as an assertion that the Office Action takes official notice that the limitations, “creating, in a display apparatus a busy message” and “transmitting a busy message to at least one of a plurality of devices” are well known in the art and in the knowledge of an ordinary person. Applicants traverse the taking of official notice in this case. Applicants note in response, that according to MPEP 2144.03 (B), if such official notice is taken, the basis for such reasoning must be set forth explicitly. The examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge. See *Soli*, 317 F.2d at 946, 37 USPQ at 801; *Chevenard*, 139 F.2d at 713, 60 USPQ at 241. Also, the applicant should be presented with the explicit basis on which the examiner regards the matter as subject to official notice, so as to adequately traverse the rejection in the next reply after the Office action in which the common knowledge statement was made. The Office Action’s “official notice” that ‘creating in a display apparatus a busy message’ and ‘transmitting a busy message to at least one of a plurality

of devices' are common knowledge is not supported by a basis that sets forth explicitly the reasons that support the conclusion that this limitation is common knowledge.

Merely claiming that the claim limitations are common knowledge, without providing a basis for that conclusion, does not meet the requirements for a rejection based on official notice of fact. Because the Office Action does not provide a basis for the conclusion that "creating, in a display apparatus a busy message" and "transmitting a busy message to at least one of a plurality of devices" are common knowledge, the rejection does not demonstrate that the limitations of Applicants' claim 6, now incorporated into claim 1, are disclosed by the official notice. Furthermore, Applicants contend one of skill in the art would not find those elements in the context of the instant application rejected under official notice obvious. As such, the Office Action cannot support a prima facie case of obviousness. The rejections under 35 U.S.C. § 103 should be withdrawn, and the claims should be allowed.

Relation Between Claims

Independent claims 7, 13, 19, 25, and 31 recite methods, systems, and computer program product claims for displaying a help resource associated with a device on a remote display apparatus corresponding to independent method claim 1. For the same reasons that the proposed combination of Lortz and Gordon cannot be used to establish a prima facie case of obviousness against claim 1, the proposed combination of Lortz and Gordon also cannot be used to establish a prima facie case of obviousness against claims 7, 13, 19, 25, and 31. Independent claims 7, 13, 19, 25, and 31 are therefore patentable and should be allowed.

Conclusion

Claims 1, 5-7, 11-13, 17-19, 23-25, 29-31, and 35-36 stand rejected under 35 U.S.C. § 103 as being unpatentable over Lortz and Gordon. Claims 5-6, 11-12, 17-18, 23-24, 29-30, and 35-36 are currently cancelled. Claims 1, 7, 13, 19, 25, and 31 remain in the case. As shown above, the proposed combination of Lortz and Gordon does not teach or suggest each and every element of the claims in the present application. The proposed

combination of Lortz and Gordon, therefore, cannot be used to establish a prima facie case of obviousness. The rejection of claims 1, 7, 13, 19, 25, and 31 should be withdrawn, and the claims should be allowed. Applicants respectfully request reconsideration of claims 1, 7, 13, 19, 25, and 31 in the present application.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read 'H. Artoush Ohanian', is written over a horizontal line.

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